

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

SENATE ENROLLED ACT No. 438

AN ACT to amend the Indiana Code concerning human services.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 12-10-10-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. The community and home options to institutional care for the elderly and disabled program is established. The division shall administer the program and shall do the following:

- (1) Adopt rules under IC 4-22-2 for the coordination of the program.
- (2) Administer state and federal money for the program.
- (3) Develop and implement a process for the management and operation of the program locally through the area agencies on aging based upon criteria developed by the division.
- (4) Approve the selection of community and home care services providers based upon criteria developed by the division.
- (5) Review and approve community and home care services plans developed by services providers.
- (6) Provide training and technical assistance for the staff providers.
- (7) Select or contract with agencies throughout Indiana to provide community and home care services.
- (8) Assist the office in applying for Medicaid waivers from the United States Department of Health and Human Services to fund community and home care services needed by eligible individuals

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under this chapter.

(9) Have self-directed care options and services available for an eligible individual who chooses self-directed care services.

SECTION 2. IC 12-15-1-20 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 20. (a) The office shall implement a policy that allows the amount of Medicaid funds necessary to provide services to follow an individual who is transferring from institutional care to Medicaid home and community based care.**

(b) The amount may not exceed the amount that would have been spent on the individual if the individual had stayed in institutional care.

SECTION 3. IC 12-15-5-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 9. The office shall have self-directed care options and services available for an eligible individual who:**

- (1) is a Medicaid waiver recipient; and**
- (2) chooses self-directed care services.**

SECTION 4. IC 12-15-5-10 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 10. (a) An individual who receives Medicaid services through a Medicaid waiver shall receive the following:**

- (1) The development of a care plan addressing the individual's needs.**
- (2) Advocacy on behalf of the individual's interests.**
- (3) The monitoring of the quality of community and home care services provided to the individual.**
- (4) Information and referral services concerning community and home care services if the individual is eligible for these services.**

(b) The use by or on behalf of an individual receiving Medicaid waiver services of any of the following services or devices does not make the individual ineligible for services under a Medicaid waiver:

- (1) Skilled nursing assistance.**
- (2) Supervised community and home care services, including skilled nursing supervision.**
- (3) Adaptive medical equipment and devices.**
- (4) Adaptive nonmedical equipment and devices.**

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President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

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